

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES BARR,

Petitioner,

vs.

UNITED STATES PAROLE
 COMMISSION,

Respondent.

3:10-cv-00056-ECR-RAM

ORDER

This is an action on a petition for writ of habeas corpus. Petitioner moves the court for summary judgment (docket #16) alleging he is entitled to such relief because respondents failed to give a timely response as ordered by the court. This allegation is belied by the record. Furthermore, summary judgment is only proper where “the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Fed.R.Civ.P. 56(c). The moving party has the burden of demonstrating the absence of a genuine issue of fact for trial. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 256 (1986). Petitioner has not made such a showing.

IT IS THEREFORE ORDERED that the motion for summary judgment (docket #16) is **DENIED**.

Dated this 19th day of July, 2010.


 UNITED STATES DISTRICT JUDGE